

Message

From: Mylott, Richard [Mylott.Richard@epa.gov]
Sent: 8/12/2018 9:45:52 PM
To: Benevento, Douglas [benevento.douglas@epa.gov]
CC: Smidinger, Betsy [Smidinger.Betsy@epa.gov]; Mutter, Andrew [mutter.andrew@epa.gov]; Naftz, Douglas [Naftz.Douglas@epa.gov]; Peterson, Cynthia [Peterson.Cynthia@epa.gov]; Faulk, Libby [Faulk.Libby@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Thomas, Rebecca [Thomas.Rebecca@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]
Subject: Re: Final Draft Responses to Complete Colorado Qs on BPMD

Doug- the Complete Colorado article posted Friday evening per the reporter's deadline. Andrew or I will connect with you Monday.

<https://pagetwo.completescolorado.com/2018/08/10/epa-orders-5-million-study-from-company-that-never-owned-gold-king-mine/>

Sent from my iPhone

On Aug 11, 2018, at 4:40 PM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

My comments, please review critically and let's talk Monday.

From: Thomas, Rebecca
Sent: Friday, August 10, 2018 4:49 PM
To: Smidinger, Betsy <Smidinger.Betsy@epa.gov>
Cc: Mylott, Richard <Mylott.Richard@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Mutter, Andrew <mutter.andrew@epa.gov>; Naftz, Douglas <Naftz.Douglas@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Faulk, Libby <Faulk.Libby@epa.gov>
Subject: Re: Final Draft Responses to Complete Colorado Qs on BPMD

Rich - looks good to me - thank you!

Sent from my iPhone

On Aug 10, 2018, at 2:41 PM, Smidinger, Betsy <Smidinger.Betsy@epa.gov> wrote:

Yes...thanks!

From: Mylott, Richard
Sent: Friday, August 10, 2018 1:58 PM
To: Smidinger, Betsy <Smidinger.Betsy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Mutter, Andrew <mutter.andrew@epa.gov>
Cc: Naftz, Douglas <Naftz.Douglas@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Thomas, Rebecca <Thomas.Rebecca@epa.gov>; Faulk, Libby <Faulk.Libby@epa.gov>
Subject: RE: Final Draft Responses to Complete Colorado Qs on BPMD

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Smidinger, Betsy
Sent: Friday, August 10, 2018 1:50 PM
To: Mylott, Richard <Mylott.Richard@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Mutter, Andrew <mutter.andrew@epa.gov>
Cc: Naftz, Douglas <Naftz.Douglas@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Thomas, Rebecca <Thomas.Rebecca@epa.gov>; Faulk, Libby <Faulk.Libby@epa.gov>
Subject: RE: Final Draft Responses to Complete Colorado Qs on BPMD

Hi Rich...2 comments

Deliberative Process / Ex. 5

From: Mylott, Richard
Sent: Friday, August 10, 2018 1:32 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Smidinger, Betsy <Smidinger.Betsy@epa.gov>; Mutter, Andrew <mutter.andrew@epa.gov>
Cc: Naftz, Douglas <Naftz.Douglas@epa.gov>; Peterson, Cynthia <Peterson.Cynthia@epa.gov>; Thomas, Rebecca <Thomas.Rebecca@epa.gov>; Faulk, Libby <Faulk.Libby@epa.gov>
Subject: Final Draft Responses to Complete Colorado Qs on BPMD

Need to send by 5 pm MST, please advise on any comments/edits at your earliest. Text below same as attached word doc. Thanks all for work on this...
Rich x 6654

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Draft, deliberative

Why did the EPA issue a unilateral order to Sunnyside Gold Corp without consultation or public notice/hearings?

Deliberative Process / Ex. 5

What is the purpose of the EPA investigating the hydrology of the area? What is the purpose of investigating, linking and/or attributing subsurface water flows from or near the Sunnyside mine that might be entering other mines, including but not limited to the Gold King, Mogul and Red & Bonita mines to the Gold King mine discharge or any other mine discharges or to non-point-source seepage and discharge throughout the region?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Why is the EPA not doing this project itself rather than burdening SGC with this task?

Deliberative Process / Ex. 5

Will the EPA be reimbursing SGC for the costs of this program?

Deliberative Process / Ex. 5

Upon what specific statutory authority (citations please) does EPA have authority to compel SGC to proceed with this project?

See

Deliberative Process / Ex. 5

Is the EPA imposing this project with any intent or purpose to use the results thereof to impose further financial or criminal liability on SGC for mine waste discharges in the region?

Deliberative Process / Ex. 5

What are the projected costs of this drilling/research project?

Deliberative Process / Ex. 5

Why does the consent decree with SGC and the State of Colorado and approved by the EPA years ago absolving SGC of further liability not prohibit the EPA from enforcing this unilateral order?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Was this project formulated before or after the EPA declared the area to be a Superfund site?

Deliberative Process / Ex. 5

Was the area declared to be a Superfund site with any intent of assigning legal liability to Sunnyside Gold Corp.?

Deliberative Process / Ex. 5

Who specifically, by name and position are the individual or individuals in the EPA who were parties to creating this unilateral order and what is their contact information?

Deliberative Process / Ex. 5